

CHARTER COMMISSION  
CITY AND COUNTY OF HONOLULU

TUESDAY, JUNE 14, 2005  
COUNCIL CHAMBERS  
THIRD FLOOR, HONOLULU HALE  
4:00 P.M.

**MINUTES**

Charter Commission Members Present:

Amy Hirano  
Jan Sullivan  
Darolyn Lendio  
Donn Takaki  
Malcolm Tom  
Jim Myers  
Stephen Meder  
James Pacopac

Charter Commission Members Excused/Absent:

Andy Chang  
Jared Kawashima  
Jerry Coffee  
Gordon Grau

Others Present:

Chuck Narikiyo, Executive Administrator, Charter Commission  
Dawn D.M. Spurlin, Deputy Corporation Counsel, Department of the Corporation Counsel  
Lori K. K. Sunakoda, Deputy Corporation Counsel, Department of Corporation Counsel  
Loretta Ho, Secretary, Charter Commission

**I. Call to Order**

Meeting called to order at 4:02 p.m. June 14, 2005, by Chair Donn Takaki.

**II. Agenda Item No. 2, Public Testimony:**

- a. Chair Takaki solicited public testimony on any agenda item.

Public Testimony by Mr. Don Bremner, resident of Kailua. Did not testify on any items on the agenda, but made a few remarks on his opinion of the proposed amendment pertaining to reform of the Planning and Zoning process proposed by the 1992 Charter Commission. Mr. Bremner has over 50 years of experience as a planner of cities. Mr. Bremner felt that the 1992 Commission's reform of the Planning and Zoning process watered down the process from a development plan to conceptual documents. He was not sure if there was anything that could be

done, as in his opinion, the department as well as the administration has changed all the development plans in accordance with the 1992 version adopted by the electorate. However, he wanted to express his concern that the process not be watered down any further by this Commission.

### **III. Agenda Item No. 3, For Action**

#### **a. For Action, Item 3.a. Approval of minutes from January 31, 2005 meeting.**

**Action:** Chair Takaki asked the members present to review the January 31<sup>st</sup> minutes if they haven't already done so. He reminded the members the minutes for the February, March, April meetings are forthcoming for their approval but wanted to approve these minutes at today's meeting.

Commissioner Lendio moved to approve the January 31, 2005 minutes, Commissioner Hirano seconded the motion. Chair Takaki asked if there was any discussion and there was none. All commissioners present voted in favor of the motion and the motion was passed.

#### **b. For Action, Item 3.b. Discussion and Adoption of Submission and Information Committee report, including timeline and deadlines for acceptance of proposed charter amendments and analysis and review of proposed amendments.**

Executive Administrator Narikiyo went over the proposed draft calendar and key dates presented to the Commission at the May 10, 2005 meeting on behalf of Committee Chair Jan Sullivan. He also went over the procedures relating to the proposed amendments.

Commissioner Tom asked Mr. Narikiyo when would be the last reasonable month to submit proposed amendments to the Commission.

Mr. Narikiyo responded that in his opinion the current proposed due date of September 30<sup>th</sup> could be postponed by one or perhaps two months. He also referred to Rule 4, *Procedures for the Consideration and Adoption or Approval of Proposed Amendments to the Charter*, under the Rules of the 2005 Charter Commission, adopted by the Commission on April 12, 2005 Commission Meeting. He asked that the Commissioners keep this Rule in mind in making a decision on the final due date of submission.

Chair Takaki recommended to keep the July 1<sup>st</sup> through September 30<sup>th</sup> deadlines and add another mechanism to bring proposed amendments before the Commission turned in after September 30<sup>th</sup> with approval of more than a simple majority,

perhaps 9 of the 13 members. Any such proposal would still have to go through the normal process as stated in the rules.

Commissioner Myers concurred with Chair Takaki with adding another mechanism for an extended due date but suggested to keep the original September 30<sup>th</sup> deadline that will

guarantee those who have submitted their proposals on time that their proposals will be given due process.

Commissioner Sullivan added there are certain critical fixed dates for public input that the Commission needs to agree on. She suggested if the Commission is going to change the draft proposed submission due date, they also look at the hearing schedule as that may need to be changed as well.

Chair Takaki suggested that perhaps the “supermajority” proposal deadline could be March 31, 2006, which would allow for public hearings in April. He invited the commissioners’ comments.

Commissioner Lendio suggested that the Commission should set hearing dates in the draft proposed calendar for the amendments received from July 1<sup>st</sup> through September 30<sup>th</sup> but also reserve the possibility of scheduling additional public hearings on a supermajority type of amendment come next year.

Commissioner Meder expressed some concerns about clarity and perceived fairness, and suggested that the commission should establish a date for submittals that is comprehensive enough to allow for all the considerations that might be out there, so that it is clearly stated when the submittals are due and lock it at the point. He was concerned that if there were variations beyond that, it might not allow the opportunity to analyze proposals the way they would need to. He suggested extending the deadline for submissions beyond September 30<sup>th</sup> to a reasonable date sometime during the 4<sup>th</sup> quarter.

Commissioner Tom concurred with Commissioner Meder’s comments. He also was concerned with how to educate the public about the process and advise that the Commission office is open and are accepting amendments. He would like to see some type of workshop to kick off this process to request amendments, to describe to the public what is the process, what is an amendment versus a law, and how to fill in the forms. This will show that it was opened up to the public.

Commissioner Myers stated that, because people always wait until the last minute, he believed that having staggered deadlines would help manage the workload and encourage people submit proposals early.

Commissioner Pacopac also wanted the draft proposed deadline extended beyond September 30<sup>th</sup>. He was concerned about public perception is that there is enough time for the public to get their amendments in. He noted that Chair Takaki’s suggestion could be a way to consider a limited number of additional proposals at a later time.

Chair Takaki noted that there seemed to be a consensus of the commission that the deadline for submissions be moved and asked the Executive Administrator if he had any comments on moving the draft proposed submission deadline from September 30<sup>th</sup> to October 31<sup>st</sup>.

Mr. Narikiyo stated that one month would not be a problem, and that it could be accommodated.

Chair Takaki asked if there was any other discussion.

Commissioner Sullivan questioned Mr. Narikiyo on whether he'll be prepared to take proposed amendments from the public starting July 1<sup>st</sup>.

Mr. Narikiyo responded the office staff will be ready to accept proposed amendments by July 1<sup>st</sup>. Although not fully staffed until the 27<sup>th</sup> of June, he noted that the sooner they start accepting proposed amendments the better.

Commissioner Sullivan also asked Mr. Narikiyo if the formal website will be up by July 1<sup>st</sup>.

Mr. Narikiyo replied that he is working with the Department of Information Technology on the website. Its not concrete yet if the website will be up by July 1<sup>st</sup> but hopes to have at least some sort of message or communication that the Council and Mayor's website can post for the Charter Commission. The Commission will definitely have a website where people can submit proposals online. The office will start accepting proposed amendments by July 1<sup>st</sup>. A number of agencies and people have already indicated that they want to submit proposals. They are trying to do a press conference sometime during the first week of July with Mayor Hannemann, Chair Takaki and Council Chair Donovan Dela Cruz to make a formal announcement.

Commissioner Lendio suggested the TV stations to post a link to the website on their websites, so that people would click on a link to a form that they could submit. In conjunction with the press release and press conference, the TV websites would provide easy access.

Chair Takaki made a statement to clarify the Supermajority proposal. With the current rules in place, a quorum requires 7 of the 13 members present. On the Supermajority level, any action would require 9 of the 13 members to be present at that meeting and agree to put a proposed amendment before the commission after

the September 31<sup>st</sup> deadline and still go through the same process as the other proposed amendments.

**Action:** Commissioner Myers moved to amend the draft calendar to show that they are moving the deadline for submission of Charter amendment proposals from September 30<sup>th</sup> to October 31<sup>st</sup>. Commissioner Pacopac seconded that motion.

Chair Takaki asked if there was any discussion, and there was none. All commissioners present voted in favor of the motion and the motion was passed.

Commissioner Lendio then moved to adopt a supermajority proposal to approve further amendments by nine votes of the Commission as of March 31, 2005, and to add it to the calendar. She then withdrew the motion. Commissioner Sullivan asked if this would be a procedural issue for the Rules Committee. Commissioner Lendio recommended that the Rules Committee look at the supermajority issue and suggested that the Commission approve the calendar as amended by Commissioner Myers.

**Action:** Commissioner Lendio moved that the Commission adopt the calendar committee report with the amendment of October 31<sup>st</sup> as the deadline for submission for Charter amendments. Commissioner Myers seconded that motion.

Chair Takaki asked if there was any discussion.

Commissioner Sullivan asked Mr. Narikiyo if he was comfortable with the draft calendar as it reflected a date of November for a determination of initial priority list and for the Commission to vote on the initial list. The idea was to give staff at least a month to a month and half to go through all the topics before getting to voting on the initial list. The Executive Administrator recommended to move the items under November 2005 on the draft calendar to December 2005. The motion was amended to reflect this additional change to the calendar.

Chair Takaki asked if there was any other discussion and there was none. All commissioners present voted in favor of the motion and the motion was passed.

#### **IV. Agenda Item 4a. Executive Administrator's Report.**

Executive Administrator Chuck Narikiyo confirmed that he would communicate the Commission's request to investigate the supermajority issue to the Rules Committee. He announced the opening of the Charter Commission Office at 711 Kapiolani Boulevard, Suite 1485. He introduced the Secretary, Loretta Ho who started last Monday, June 6, 2005. Researcher Nicole Love starts on June 27<sup>th</sup>. He also reiterated to the Commissioners that the Charter Commission staff is available for their needs.

#### **V. Committee Reports**

##### **Report of Budget Committee**

Commissioner Myers reported that he received a copy of the budget yesterday that came from the City Council. He didn't officially hear, but there were some items that reduced our original budget numbers. But he understood that the 2005-2006 budget has been approved as submitted with the changes, which mostly involved the salary and benefits of the staff, which were hired

within the new guidelines. They also reduced equipment and furniture expenses by about \$5,000. Costs were close to \$2,700 a month for parking and rent but budgeted about \$5,000, so these items were well under budget.

The Executive Administrator clarified that the equipment reduction was budgeted monies to purchase computer equipment, and that the City Council staff were able to find some computer equipment for the office staff.

#### **Report of the Submission and Information Committee**

No further report.

#### **Report of the Personnel Committee**

Commissioner Lendio talked about the hiring of Secretary Loretta Ho and Researcher Nicole Love and their qualifications.

#### **Report of the Rules Committee**

Chair Takaki asked if there was any report from the Rules Committee.

Executive Administrator Chuck Narikiyo reported on behalf of Chair Jared Kawashima. He explained that a couple of items were added to the agenda. A question was raised by one of the Commissioners, whether or not past Commissions have required that proposed charter submissions be made only by Oahu residents. Another issue raised was the format for submissions, whether or not to include contact information in case staff had questions or it was not submitted in the right format. The Commission does not want anyone to be foreclosed from submitting because of technicality. Mr. Narikiyo consulted with Corporation Counsel on the issues and subject to any further discussion, and the recommendation from Corporation Counsel was it wouldn't be advisable to limit the submissions to just Oahu residents. In the past, there have been submissions from other governments, and other jurisdictions and that doesn't seem like something the Commission would want to foreclose. Privacy concerns were questioned regarding contact information on the forms. Therefore, the Charter Commission Office

will probably keep the contact information administratively and will not disclose this information when proposals are reviewed by the Commission. Another point raised was whether the proposed amendments should be anonymous. Some Commissioners have expressed a preference that they not know who submitted a particular amendment.

Chair Takaki asked if there was anything else from the Rules Committee. There was no further report from the Committee. He suggested for the next meeting, to have the Rules Committee evaluate the ideas about Oahu residents and the Supermajority, and whether they should be

incorporated into the rules, or what mechanism the Commission should look at if needed, and to evaluate if the Commission should formally establish evaluation criteria to screen proposed amendments. The 1998 Commission used the evaluation criteria Mr. Narikiyo passed out.  
(Attachment 1)

Chair Takaki went over the 1998 evaluation criteria and recommend that the Rules Committee look at this criteria and report back to the full commission at the next meeting. Chair Takaki asked Executive Administrator Narikiyo to speak to the Chair of the Rules Committee, Jared Kawashima.

**Action:** Commissioner Lendio moved that the Commission send the recommendations just discussed to the Rules Committee to discuss and determine their recommendations on those particular topics. Commissioner Sullivan seconded the motion. It was moved that the Rules Committee meet and report back to the full Commission in the July meeting regarding the issues of submissions being from Oahu residents only, and if submission should include name, address, phone number and other contact information, as well as a mechanism such as the supermajority to bring forward proposed amendments to the Commission after October 31<sup>st</sup> and to look at the inclusion of the evaluation criteria in the rules

Chair Takaki asked if there was any discussion, and there was none. All commissioners present voted in favor of the motion and the motion was passed.

#### **VI. Officer's Report**

- A. Chair – None
- B. Vice Chair – Absent
- C. Treasurer – Commissioner Myers previously gave his report
- D. Secretary – Commissioner Pacopac had no report

#### **VII. Announcements**

None.

#### **VIII. Next Meeting Schedule**

The next meeting was set for Tuesday, July 12, 2005 at 4:00 p.m. in Council Chambers.

#### **IX. Adjournment**

Commission Lendio moved to adjourn the meeting, and Commissioner Pacopac seconded. The meeting was adjourned at 4:50pm.